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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 ABSORPTION PHARMACEUTICALS, LLC, )  
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11 Plaintiff(s), )  
12 )  
13 RECKITT BENCKISER, LLC, )  
14 Defendant(s). )  
\_\_\_\_\_ )

Case No. 2:17-cv-00513-JCM-NJK  
ORDER  
(Docket No. 20)

15 Pending before the Court is Defendant’s motion to stay discovery. Docket No. 20. Plaintiff  
16 filed a response in opposition and Defendant filed a reply. Docket Nos. 24, 25. The Court finds this  
17 motion properly decided without oral argument. *See* Local Rule 78-1. For the reasons discussed  
18 below, the motion is **GRANTED**.

19 Defendant seeks an order staying discovery pending resolution of its motion to dismiss.  
20 Docket No. 20. *See also* Docket No. 6. In asking the Court to stay discovery, Defendant focuses  
21 primarily on the portion of its motion related to personal jurisdiction. *See* Docket No. 20 at 5-10.  
22 While the filing of a motion to dismiss for lack of personal jurisdiction does not automatically result  
23 in an order staying discovery, such a motion “strongly favors a stay, or at a minimum, limitations on  
24 discovery until the question of jurisdiction is resolved.” *Kabo Tool Co. v. Porauto Indus. Co.*, 2013  
25 U.S. Dist. Lexis 53570, at \*2 (D. Nev. Apr. 15, 2013) (quoting *AMC Fabrication, Inc. v. KRD*  
26 *Trucking W., Inc.*, 2012 U.S. Dist. Lexis 146270, at \*2 (D. Nev. Oct. 10, 2012)). Courts are more  
27 inclined to stay discovery pending resolution of such a motion because it presents a “critical  
28 preliminary question.” *Kabo Tool Co.*, 2013 U.S. Dist. Lexis 53570, at \*2 (quoting *AMC*

1 *Fabrication*, 2012 U.S. Dist. Lexis 146270, at \*2). The Court agrees with Defendant that, in this  
2 case, discovery should be stayed pending the resolution of the critical preliminary question of  
3 personal jurisdiction.<sup>1</sup>

4 Accordingly, Defendant's motion to stay discovery, Docket No. 20, is hereby **GRANTED**.  
5 If Defendant's motion to dismiss is not granted in full, the parties shall file a joint proposed  
6 discovery plan within seven days of the issuance of the order resolving the motion to dismiss.

7 IT IS SO ORDERED.

8 DATED: April 28, 2017.

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NANCY J. KOPPE  
United States Magistrate Judge

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25 <sup>1</sup> Plaintiff also submits that "if this Court determines that the current record is insufficient  
26 to support jurisdiction over" Defendant, then Plaintiff "should be permitted to take jurisdictional  
27 discovery to develop the record." Docket No. 24 at 9. This is typically an issue that the assigned  
District Judge will resolve. *See, e.g., Hologram USA, Inc. v. Cirque du Soleil My Call, LLC*, 2014  
U.S. Dist. Lexis 164604, at \*3-\*4 (D. Nev. Nov. 24, 2014) (citing *AMC Fabrication*, 2012 U.S. Dist.  
Lexis 146270, at \*4).